



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,692	03/30/2001	Ting Chien	015290-506	5245

7590

03/31/2003

Peter K. Skiff  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/31/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Communication Re: Appeal**

**Application No.**

09/820,692

**Applicant(s)**

CH IEN ET AL.

**Examiner**

Kin-Chan Chen

**Art Unit**

1765

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☐ The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
- (c) ☐ the appeal fee received on \_\_\_\_\_ was not timely filed.
- (d) ☐ the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$\_\_\_\_\_.
- (e) ☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.

2. ☒ The appeal brief filed on February 4, 2003 is NOT acceptable for the reason(s) indicated below:

- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 1.192.
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
- (c) ☐ the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$\_\_\_\_\_.
- (d) ☒ see attached detailed action.

**The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).**

3. ☐ The appeal in this application is DISMISSED because:

- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (c) ☐ Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
- (d) ☐ other: \_\_\_\_\_

4. ☐ Because of the dismissal of the appeal, this application:

- (a) ☐ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

*4. c. [Signature]*

### DETAILED ACTION

1. The appeal brief filed on February 4, 2003 is defective because it is unsigned in two copies of appeal brief. A ratification properly signed is required.
2. The brief does not contain, for each rejection under 35 U.S.C. 103, **an argument, which specifies the errors in the rejection**. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of 37 CFR 1.192(c)(8)(iv).

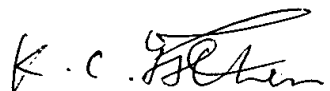
Referring to claim 1, the examiner specifically points out (in Paper No 9, final refection, and Paper No. 11 advisory action) that The etchant gas may comprise a hydrogen-free fluorocarbon gas represented by  $C_xF_y$  gas wherein  $y/x < 1.5$  (such as  $C_4F_6$ ) and carrier gas (such as Ar). See col. 7, TABLE 1, first etch recipe and col. 7, lines 33-56. The main etch (using  $C_4F_6$ ) with no  $CH_2F_2$  may be used to etch **the entire oxide layer** (col.10, lines 21-24). Applicant does not have **an argument, which specifies the errors**. Furthermore, it is noted that the examiner specifically points out (in Paper No 9, final refection, and Paper No. 11 advisory action) that after oxide etching, nitride layer may be etched using  $CH_2F_2$ , Ar, and oxygen, and oxygen destroys any nitride selectivity because at this time Hung is etching nitride with different chemistry (e.g.,  $CH_2F_2$ , a hydrogen-containing fluorocarbon), it is irrelevant to previous etching of oxide overlying nitride stop layer using hydrogen-free fluorocarbon (e.g.,  $C_4F_6$ ). **Applicant has not commented on or acknowledged same.**

Art Unit: 1765

3. To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.

K-C C  
March 26, 2003

  
Patent Examiner  
Group Art Unit 1765